

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter D. Kwong et al.  
Serial No. : Not Yet Known  
(U.S. National Stage of PCT/US98/23905,  
filed 10 November 1998)  
Filed : Herewith  
For : CRYSTAL COMPRISING HUMAN IMMUNODEFICIENCY  
VIRUS ENVELOPE GLYCOPROTEIN gp120, COMPOUNDS  
INHIBITING CD4-gp120 INTERACTION, COMPOUNDS  
INHIBITING CHEMOKINE RECEPTOR-gp120  
INTERACTION, MIMICS OF CD4 AND gp120  
VARIANTS

1185 Avenue of the Americas  
New York, New York 10036  
May 7, 2001

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

**14 MAY 2001**

**Legal Staff  
International Division**

Sir:

**PETITION TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b) which through an unintentional error did not enter the U.S. national stage by the May 10, 2000 deadline under Chapter II of the Patent Cooperation Treaty, and thereby unintentionally became abandoned.

On November 10, 1998, PCT International Application No. PCT/US98/10265 ("the PCT Application") was filed on behalf of The Trustees of Columbia University in the City of New York ("Columbia University") and Dana-Farber Cancer Institute. A Demand Under Chapter II was timely filed on June 9, 1999. Therefore, the deadline for entering the national stage in the United States of America was thirty (30) months from the U.S.

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priority date, i.e., May 10, 2000. However, through an unintentional error of Ofra Weinberger Ph.D., Director for the Health Sciences Division of Columbia Innovation Enterprise ("CIE") of Columbia University, the national stage in the United States was not entered by the May 10, 2000 deadline, for reasons explained below.

#### Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

#### Required Reply Under 37 C.F.R. §1.137(b) (1)

To enter the national stage in the United States, the following submissions are required under 37 C.F.R. § 1.495(b):

- (1) a copy of the international application ... unless it was originally filed in the United States Patent and Trademark Office; and
- (2) the basic national fee (see 37 C.F.R. § 1.492(a)).

Because the subject international application was originally filed in the United States Patent and Trademark Office, no copy is required.

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The basic national fee is \$710.00 and authorization is hereby given to charge the amount of this fee to Deposit Account No. 03-3125 upon the granting of this petition. Applicants are submitting herewith two copies of a Transmittal Letter addressed to the United States Elected Office (**Exhibit A**) and a copy of a preliminary amendment (**Exhibit B**). Accordingly, the required reply is being submitted.

Petition Fee Required Under 37 C.F.R. §1.137(b)(2)

The fee for a Petition under 37 C.F.R. §1.137(b) as set forth in 37 C.F.R. §1.17(m) is \$1240.00 and applicants enclose herewith a check in the amount of \$1240.00 to cover this fee.

Statement that the Entire Delay in Filing the Required Reply was Unintentional Under 37 C.F.R. §1.137(b)(3)

The entire delay in filing the required reply, i.e. the U.S. national stage transmittal papers, from the May 10, 2000 due date for national stage entry, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

In support, applicants attach hereto as Exhibit C a declaration of Ofra Weinberger, Ph.D. and as Exhibit D a declaration of John P. White, Esq.

Terminal Disclaimer Under 37 C.F.R. §1.137(b)(4)

Because the subject PCT application was filed on November 10, 1998, which is after June 8, 1995, 37 C.F.R. §1.137(c) does not require any terminal disclaimer to be filed.


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In view of the foregoing, applicants earnestly solicit an expeditious revival of the subject application so that it may proceed to examination of the claims now pending.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, applicants' undersigned attorneys invites the Examiner to telephone either of them at the number provided belcw.

No fee, other than the enclosed \$1240.00 fee as set forth in 37 C.F.R. §1.17(m) is deemed necessary in connection with the filing of this Petition. Upon the granting of this petition, authorization is hereby given to charge the \$710.00 basic national fee and the \$1,016.00 fee for additional claims to Deposit Account No. 03-3125. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

  
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